

REMARKS

This Response is made to the Office action dated May 4, 2006. Claims 64 - 84 are pending in the present application. No claims have been amended in this paper.

Applicants thank the Examiner for indicating that claims 71-84 are allowed.

Reconsideration of the application is respectfully requested.

The Examiner has rejected claims 64-70 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,238,004 to Sahatjian et al. (the "Sahatjian patent"). Applicants, however, strongly disagree with the Examiner's position. Claims 64-70 are directed to an intracorporeal device comprising an elongated member having means for causing a substantially linear change in stiffness over the longitudinal length of the elongated member. The Sanhatjian patent relied upon by the Examiner simply does not disclose the claimed invention. Rather, the Sanhatjian patent discloses a guide wire core made from a linear elastic precursor of a superelastic metal alloy. This physical property of the precursor material making up the guide wire core is not the same as an elongated member having means for causing a substantially linear change in bending stiffness over the longitudinal length of the elongated member. Figure 4a of the Sanhatjian patent, relied upon by the Examiner in rejecting claims 64-70, shows a stress-strain curve for the superelastic precursor alloy which exhibits some linear elastic properties. This linear elastic behavior is shown as a relatively straight line on this stress-strain graph. However, linear behavior depicted on a stress-strain graph is not the same as a substantial linear change in bending stiffness as is shown in Figure 14 of the pending application. The stress-strain curve of Figure 4a does not show, or purport to show, substantial linear change in bending stiffness along the length of an elongated member since it graphically displays a completely different physical behavior. Therefore, the Examiner's reliance on the stress-strain curve of Figure 4a is simply misplaced. Accordingly, Applicants respectfully request the Examiner to withdraw the Sanhatjian patent as an anticipatory reference to claims 64-70.


In view of the foregoing, it is respectively urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney

can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Please charge any fees payable in connection with this response to Deposit Account No. 06-2425. A duplicate copy of this document is enclosed.

Respectfully submitted,
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